

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

TASER INTERNATIONAL, INC.,
et al.,

Plaintiffs,

v.

MORGAN STANLEY & CO. INC.,
et al.,

Defendants.

Civil Case No.
1: 10-cv-03108

**DECLARATION OF MELISSA T. AOYAGI IN SUPPORT OF
MORGAN STANLEY & CO. INCORPORATED'S OPPOSITION
TO PLAINTIFFS' MOTION TO COMPEL A RESPONSE TO
INTERROGATORIES AND PRODUCE DOCUMENTS
FROM TRADERS AND SALES PERSONNEL**

I, Melissa T. Aoyagi, declare as follows:

1. I am an associate with the law firm of Davis Polk & Wardwell LLP and counsel for Defendant Morgan Stanley & Co. Incorporated in this action. I am over 18 years of age and have personal knowledge of the matters set forth in this declaration. I submit this declaration in opposition to Plaintiffs' Motion to Compel Defendants Banc of America Securities, LLC; Merrill Lynch, Pierce, Fenner & Smith, Inc.; and Morgan Stanley & Co., Inc. to Respond to

Interrogatories and Produce Documents from Traders and Sales Personnel. I have personal knowledge of the facts recited herein except as otherwise indicated.

2. Attached to this declaration as Exhibit 1 is a true and correct copy of the email from Melissa T. Aoyagi to Elizabeth G. Eager and Steven J. Rosenwasser, dated May 5, 2010.

3. Attached to this declaration as Exhibit 2 is a true and correct copy of the email from Melissa T. Aoyagi to Elizabeth G. Eager and Steven J. Rosenwasser, dated June 16, 2010.

4. Attached to this declaration as Exhibit 3 is a true and correct copy of the email from Andrew Frackman, to Steven J. Rosenwasser, dated October 4, 2010, which includes an email from Steven J. Rosenwasser to Andrew Frackman, dated October 4, 2010.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 27th day of December, 2010 in New York, NY.

/s/ Melissa T. Aoyagi
Melissa T. Aoyagi